



Entered on Docket  
September 23, 2011

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle  
United States Bankruptcy Judge

**LEWIS AND ROCA LLP**

Robert M. Charles, Jr. (NV 6593)  
John Hinderaker (AZ 018024)  
Marvin Ruth (NV 10979)  
3993 Howard Hughes Parkway, Ste. 600  
Las Vegas, Nevada 89169-5996  
Telephone (702) 949-8320  
Facsimile (702) 949-8321  
Email: [rcharles@lrlaw.com](mailto:rcharles@lrlaw.com)  
[jhinderaker@lrlaw.com](mailto:jhinderaker@lrlaw.com)  
[mruth@lrlaw.com](mailto:mruth@lrlaw.com)

*Attorneys for USACM Liquidating Trust*

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE  
COMPANY,

Debtor.

Case No. BK-S-06-10725-LBR  
Chapter 11

**Order Sustaining Second Omnibus  
Objection Of USACM Trust To Proofs Of  
Claim Based In Part Upon Investment In  
The 5055 Collwood Loan**

Hearing Date: August 30, 2011  
Hearing Time: 10:30 a.m.

The Court having considered the "Second Omnibus Objection Of USACM Trust To Proofs Of Claim Based In Whole or In Part Upon Investment in The 5055 Collwood Loan," ("5055 Collwood Loan") [DE 8648] (the "Objection"); the Court having heard the Objection on August 30, 2011; appropriate notice of the Objection having been given; no response to the Objection having been filed; the Court noting on the record that the

1 disallowance of the Claims listed on **Exhibit A** does not affect the direct lenders' right to  
2 repayment by the borrower or from the collateral securing the 5055 Collwood Loan; and  
3 good cause appearing:

4 **IT IS ORDERED** that:

- 5 1. The Objection [DE 8648] is sustained; and
- 6 2. The claims listed on **Exhibit A** attached are disallowed to the extent those  
7 claims are based upon an investment in the 5055 Collwood Loan.

8  
9 PREPARED AND RESPECTFULLY SUBMITTED BY:

10 **LEWIS AND ROCA LLP**  
11

12 By /s/ John Hinderaker (AZ #018024)

13 Robert M. Charles, Jr.

14 John Hinderaker (*pro hac vice*)

15 3993 Howard Hughes Parkway, Ste. 600

16 Las Vegas, Nevada 89169-5996

17 Telephone: (702) 949-8320

18 Facsimile: (702) 949-8321

19 *Attorneys for USACM Liquidating Trust*  
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## LOCAL RULE 9021 CERTIFICATION

In accordance with LR 9021, counsel submitting this document certifies that the order accurately reflects the court's ruling and that (check one):

\_\_\_\_\_ This Court has waived the requirement set forth in LR 9021(b)(1).

XXX No party appeared at the hearing or filed an objection to the motion.

\_\_\_\_\_ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, and any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document]:

Counsel appearing: \_\_\_\_\_

\_\_\_\_\_ I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with the motion pursuant to LR 9014(g), and that no party has objected to the form or content of the order

U.S. Trustee: _____	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party: _____	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

Submitted by:  
LEWIS AND ROCA LLP

By: /s/ John Hinderaker. (AZ #018024)  
Attorneys for USACM Liquidating Trust

# # #

**USACM Trust**  
**5055 COLLWOOD, LLC**  
**Multiple Loan Claims**

<b>Claim</b>	<b>Date Claim was Filed</b>	<b>Name</b>	<b>Address</b>	<b>Total Claim Amount</b>	<b>Approximate Amount Subject to Objection Because it Relates to an Investment In the 5055 Collwood, LLC</b>
10725-00524	10-10-2006	Jason D. and Fiola Fernandes	4001 Oak Manor Court Hayward, CA 94542-1445	\$151,359.38	\$35,215.70
10725-02383	1-16-2007	Minter Family 1994 Trust	Douglas and Elizabeth F. Minter Ttees 5389 Conte Drive Carson City, NV 89701	\$1,244,089.74	\$25,000.00
10725-01731	12-11-2006	Charles and Lois C. O'Neill	3515 Southampton Dr., Reno, NV 89509	\$75,311.86	\$17,320.01
10725-00844	11-13-2006	Premiere Holdings, Inc. Defined Benefit	C/O Scott D Fleming Esq Hale Lane Peek Dennison & Howard 3930 Howard Hugh Pky 4 Fl Las Vegas, NV 89169	\$380,000.00	\$100,000.00
10725-01277	11-10-2006	Premiere Holdings, Inc. Defined Benefit Pen Plan & T	C/O Scott D Fleming Esq Hale Lane Peek Den. & Howard Hughes 3930 Howard Hugh Pky 4 Fl Las Vegas, NV 89169	\$380,000.00	\$100,000.00
10725-00467	10-6-2006	Barbara M. Sanchez	P.O. Box 90528 Santa Barbara, CA 93190	Unknown	\$42,531.84
10725-02175	1-12-2007	Alan R. and Judith B. Simmons Hwjtwros	P.O. Box 13296 South Lake Tahoe, CA 96151-3296	\$1,186,288.22	\$50,000.00
10725-02088	1-11-2007	Robert W. Ulm Living Trust DTD 4/11/05	Robert W. Ulm Ttee 414 Morning Glory Rd St Marys, GA 31558	\$1,376,330.00	\$50,000.00
10725-01885	1-8-2007	Melody J. Violet	P.O. Box 2201 Vista, CA 92085	Unknown	Unknown

**EXHIBIT A**

267097.1